

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 2045

1 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special
2 Permit No. 2045 for authority to develop Hartland's Cardinal Heights 2nd Community Unit Plan
3 consisting of 56 dwelling units, together with requested waivers to allow sanitary sewer lines to run
4 opposite street grades, to allow the transfer of sanitary sewer from one basin to another, to allow
5 lots to exceed the 3:1 lot depth to width ratio, to allow lots with less than the minimum required lot
6 width, to allow lots with less than the minimum required lot area, and to waive the preliminary plat
7 process, on property generally located at N.W. 56th Street and W. Thatcher Lane, and legally
8 described to wit:

9 A part of the North Half of the Southeast Quarter of Section 13,
10 Township 10 North, Range 5 East of the 6th P.M., Lancaster County,
11 more particularly described as follows:

12 Beginning at the southeast corner of said North Half and extending
13 thence north 00 degrees 00 minutes 00 seconds east, 1320.16 feet
14 to the East Quarter corner of said Section 13; thence south 89
15 degrees 56 minutes 40 seconds west, 390.00 feet; thence south 00
16 degrees 00 minutes 00 seconds west, 555.80 feet; thence north 90
17 degrees 00 minutes 00 seconds west, 495.30 feet; thence south 00
18 degrees 00 minutes 00 seconds west, 190.00 feet; thence south 07
19 degrees 22 minutes 36 seconds west, 352.88 feet; thence south 00
20 degrees 00 minutes 17 seconds east, 224.10 feet; thence north 89
21 degrees 59 minutes 43 seconds east, 930.59 feet to the point of
22 beginning; containing 20.92 acres, more or less;

23 WHEREAS, the real property adjacent to the area included within the site plan for this will
24 not be adversely affected; and

25 WHEREAS, said site plan together with the terms and conditions hereinafter set forth are
26 consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code (LMC) to promote
27 the public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
2 Nebraska:

3 That the application of Hartland Homes, Inc., hereinafter referred to as "Permittee", to
4 develop Hartland's Cardinal Heights 2nd Community Unit Plan consisting of 56 dwelling units,
5 together with requested waivers to allow sanitary sewer lines to run opposite street grades, to allow
6 the transfer of sanitary sewer from one basin to another, to allow lots to exceed the 3:1 lot depth
7 to width ratio, to allow lots with less than the minimum required lot width, to allow lots with less than
8 the minimum required lot area, and to waive the preliminary plat process, on the property legally
9 described above, be and the same is hereby granted under the provisions of Section 27.63.320 and
10 Chapter 27.65 of the LMC upon condition that construction and operation of said community unit
11 plan be in strict compliance with said application, the site plan, and the following additional express
12 terms, conditions, and requirements:

13 1. This permit approves:

14 a. 56 dwelling units and allows the following variances to the City of Lincoln
15 Design Standards and Land Subdivision Ordinance as they are consistent with the intent of
16 Chapter 27.65 of the LMC (Community Unit Plans) in allowing creative methods to preserve natural
17 features:

18 i. The requirement of Section 3.6 of the Sanitary Sewer Design Standards
19 that the slope of the sanitary sewer should parallel the slope of the street is waived

20 ii. The requirement of Section 2.1 of the Sanitary Sewer Design Standards
21 prohibiting the transfer of wastewater from one watershed to another is waived to allow the transfer
22 of sanitary sewer from one basin to another.

23 iii. The requirement of Section 26.23.140(a) of the LMC that a residential lot
24 have a maximum depth of three times its width is waived.

1 iv. The requirement of Section 26.23.140(a) of the LMC that minimum lot
2 width and area requirements shall conform to the zoning ordinance is waived to allow lots with less
3 than the minimum required lot width and to allow lots with less than the minimum required lot area.

4 b. The requirement of Section 26.11.020 of the LMC that the special permit
5 accompany the filing of a preliminary plat and that a preliminary plat be required for all subdivisions
6 is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten
7 years from the date of the this approval, and shall be of no force or effect thereafter. If any final
8 plat on all or a portion of the approved community unit plan is submitted five years or more after
9 the effective date of the community unit plan, the City may require that a new community unit plan
10 be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may
11 be required if the subdivision ordinance, the design standards, or the required improvements have
12 been amended by the city; and as a result, the community unit plan as originally approved does not
13 comply with the amended rules and regulations.

14 2. Before receiving building permits

15 a. The Permittee must submit an acceptable, revised and reproducible final plan
16 including seven copies.

17 b. The construction plans must conform to the approved plans.

18 c. Final plats within this community unit plan must be approved by the City after:

19 i. The sidewalks, streets, drainage facilities, street lighting, landscape screens,
20 street trees, temporary turnarounds and barricades, and street name signs have been completed
21 or the Permittee has submitted a bond or an escrow of security agreement to guarantee their
22 completion.

23 ii. The permittee has signed an agreement that binds the permittee, its successors
24 and assigns:

1 (a) To complete the street paving of NW 57th, NW 58th Streets, W. Partridge
2 Lane and W. Thatcher Lane, and temporary turnarounds and barricades located at the temporary
3 dead-end of the streets shown on the final plat within two (2) years following the approval of the
4 final plat.

5 (b) To complete the installation of sidewalks along both sides of NW 57th, NW
6 58th Streets, W. Partridge Lane, W. Thatcher Lane and along the west side of NW 56th Street
7 as shown on the final plat within four (4) years following the approval of the final plat.

8 (c) To complete the public water distribution system to serve this plat
9 within two (2) years following the approval of the final plat.

10 (d) To complete the public wastewater collection system to serve this plat
11 within two (2) years following the approval of the final plat.

12 (e) To complete the enclosed drainage facilities shown on the approved
13 drainage study to serve this plat within two (2) years following the approval of the final plat.

14 (f) To complete land preparation including storm water detention/retention
15 facilities and open drainageway improvements to serve this plat prior to the installation of
16 utilities and improvements but not more than two (2) years following the approval of the final
17 plat.

18 (g) To complete the installation of public street lights within this plat within two
19 (2) years following the approval of the final plat.

20 (h) To complete the planting of the street trees within this plat within four (4)
21 years following the approval of the final plat.

22 (i) To complete the planting of the landscape screen within this plat within two
23 (2) years following the approval of the final plat.

24 (j) To complete the installation of the street name signs within two (2) years
25 following the approval of the final plat.

1 (k) To complete the installation of temporary turnarounds and barricades
2 located at the temporary dead-end of NW 57th, NW 58th Streets, W. Partridge Lane and W.
3 Thatcher Lane within two years following the Planning Commission's approval of this final plat.

4 (l) To complete any other public or private improvement or facility required
5 by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner
6 which inadvertently may have been omitted from the above list of required improvements.

7 (m) To submit to the Director of Public Works a plan showing proposed
8 measures to control sedimentation and erosion and the proposed method to temporarily stabilize
9 all graded land for approval.

10 (n) To complete the public and private improvements shown on the Community
11 Unit Plan.

12 (o) To retain ownership of or the right of entry to the outlots in order to
13 maintain the outlots and private improvements on a permanent and continuous basis and to maintain
14 the plants in the medians and islands on a permanent and continuous basis. However, the
15 permittee may be relieved and discharged of this maintenance obligation upon creating, in writing,
16 a permanent and continuous association of property owners who would be responsible for said
17 permanent and continuous maintenance. The permittee shall not be relieved of such maintenance
18 obligation until the private improvements have been satisfactorily installed and the documents
19 creating the association have been reviewed and approved by the City Attorney and filed of record
20 with the Register of Deeds.

21 (p) To submit to the lot buyers and home builders a copy of the soil analysis.

22 (q) To pay all design, engineering, labor, material, inspection, and other
23 improvement costs.

24 (r) To comply with the provisions of the Land Preparation and Grading
25 requirements of the Land Subdivision Ordinance.

1 (s) To protect the trees that are indicated to remain during construction and
2 development.

3 (t) To properly and continuously maintain and supervise the private facilities
4 which have common use or benefit, and to recognize that there may be additional maintenance
5 issues or costs associated with providing for the proper functioning of stormwater detention/
6 retention facilities as they were designed and constructed within the development, and that these
7 are the responsibility of the Subdivider.

8 (u) To relinquish the right of direct vehicular access from Lot(s) 1-18, Block
9 1 and Lot 1, Block 2 to NW 56th Street.

10 (v) To post the required security to guarantee completion of the required
11 improvements if the improvements are not completed prior to approval of the final plat.

12 (w) To disclose to potential purchasers that a private landing strip exists to the
13 northeast of this property.

14 3. The terms, conditions, and requirements of this resolution shall be binding and
15 obligatory upon the Permittee, successors, and assigns. The building official shall report violations
16 to the City Council which may revoke the special permit or take such other action as may be
17 necessary to gain compliance.

18 4. The Permittee shall sign and return the City's letter of acceptance to the City Clerk
19 within 30 days following approval of the special permit, provided, however, said 30-day period may
20 be extended up to six months by administrative amendment. The City Clerk shall file a copy of the
21 resolution approving the special permit and the letter of acceptance with the Register of Deeds,
22 filing fees therefor to be paid in advance by the Permittee.

Introduced by:

04R-144

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor